

ROBERT W. SHIMER, ESQ. *Pro se*

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

COMMODITY FUTURES TRADING :
COMMISSION, :
:

Hon. Robert B. Kugler

Plaintiff,

vs.

Civil Action No. 04-1512

EQUITY FINANCIAL GROUP LLC, TECH
TRADERS, INC., TECH TRADER, LTD.,
MAGNUM CAPITAL INVESTMENTS, LTD.,
VINCENT J. FIRTH, ROBERT W. SHIMER,
COYT E. MURRAY, & J. VERNON ABERNETHY

Notice of Motion To Dismiss Pursuant
To Fed Rules Of Procedure
12(b)1 and 12(b)6 &
Notice of Motion For Summary
Judgment Pursuant To Federal Rule
Of Procedure 56(b)

Defendants.

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PLEASE TAKE NOTICE that on Friday, May 20, 2005 at 10:00 A.M., or as soon thereafter as movant may be heard, the undersigned *pro se* defendant, Robert W. Shimer will move before the Hon. Robert B. Kugler, U.S.D.J., sitting at the U.S. District Courthouse at 4th and Cooper Streets, Camden, New Jersey, for an order dismissing Plaintiff's Complaint For Injunctive And Other Equitable Relief And Civil Monetary Penalties Under the Commodity Exchange Act, 7 U.S.C. §§ 1 *et seq.* as against him in its entirety pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12 (b)(6) and/or in the alternative, as the Court may deem to be appropriate, for Summary Judgment pursuant to Federal Rule 56(b).

ORAL ARGUMENT IS HEREBY REQUESTED.

In support of this motion, movant relies upon the Brief, Statement of Uncontested Facts, and Sworn Statement submitted herewith. A proposed form of order granting the relief sought is also submitted.

s/ Robert W. Shimer
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